

Application No. 10/719,515
Response to OA of 04/04/2006

Remarks

In the present response, no claims are amended. Claims 1-36 are presented for examination.

Claims Rejection: 35 USC § 103(a)

Claims 1-3, 8, 10-12, 17, 19-21, 26, 28-30, and 35 are rejected under 35 USC § 103(a) as being unpatentable over USPN 5,828,514 (Chliwnyj) in view of USPN 2005/0057843 (Egan). Applicants respectfully traverse this rejection.

The effective date of Egan as a prior art reference is September 12, 2003. The present invention, however, was actually reduced to practice before September 12, 2003. Applicants submit herewith declarations under 37 CFR § 1.131 setting forth facts concerning actual reduction to practice of the claimed invention in the United States. These facts include an invention disclosure signed in January 2003. The original invention disclosure included a report entitled "Investigating the Benefits of an Accelerometer in Gen3." The invention disclosure shows that the claimed subject matter was actually reduced to practice and tested before September 12, 2003.

In view of declarations and accompanying evidence, Applicants respectfully request that the rejections be withdrawn.

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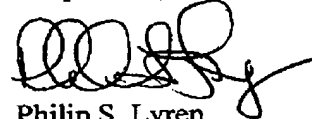
CONCLUSION

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (832) 236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,



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CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 571-273-8300 on this 3rd day of June, 2006.

By 
Name: Carrie McKerley